

Knowing of your interest in health care, I wanted to update you on the status of several lawsuits that have been filed in federal court challenging the constitutionality of the recently enacted health care law. On October 14, U.S. District Court Judge Roger Vinson ruled that a challenge brought by a coalition of 20 states and the National Federation of Independent Business could go to trial. The Obama Administration had asked for the case to be dismissed. In his ruling, Judge Vinson was sharply critical of the argument by the Administration's attorneys that the law's requirement for all Americans to buy health insurance or pay a fine constitutes a "tax," noting that President Obama himself had denied the provision was a tax while Congress was debating the bill. Additionally, on October 18, U.S. District Court Judge Henry Hudson presided over a hearing in a separate lawsuit brought by the state of Virginia. In his questioning, Judge Hudson expressed skepticism that the health care law falls within Congress's constitutional powers, and suggested that if one provision is found unconstitutional, the courts might need to strike down most or all of the law.

I share the concern, expressed by many constitutional scholars as well as the states that have filed lawsuits against the Obama Administration, that the new health law's mandate for all Americans to purchase health insurance goes beyond the powers granted to Congress under the Constitution. It is truly unprecedented for the federal government to require people to buy a particular product. As the sponsor of H.R. 5424, the Reform Americans Can Afford Act, I continue to call upon Congress to [repeal this assault on our freedom and replace it](#) with real health care reforms that will reduce costs without new taxes or mandates.